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**Draconica :**

OR, AN

**ABSTRACT**

Of All the

**PENAL LAWS**

TOUCHING

**Matters of Religion;**

And the Several

**Oaths and Tests**

Thereby Enjoyed.

With Brief *OBSERVATIONS* thereupon.

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By *HENRY CARE.*

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*The Third Edition with Considerable Additions.*

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John xix. 7. — *We have a LAW, and by OUR LAW He ought to Die*

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L O N D O N :

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## The INTRODUCTION.

**S**ince the Penal Laws touching Matters of Meer Religion, that so long have been the Efficient Cause, are now become the Subject Matter of Debate throughout the Nation; whilst perhaps, scarce one in Ten of the Eager Contenders truly knows what these Penal Laws and Tests are; Or at least, has not any perfect Idea of their full Extent and Nature, their grievous Unequal Penalties and Destructive Effects: I thought it might at this Juncture, be a Service not altogether Unacceptable, to draw up a fair Abstract or Compendium of all Those Laws; That so being Beheld at one Intire View, Judgment may be the better made of their Benefit or Inexpediency: To which end, I have added a few brief Observations very naturally (as I conceive) Resulting from the Premisses; and so submit the whole, to the Christian Consideration of all Honest Unbias'd Englishmen.

# A N A B S T R A C T OF THE P E N A L L A W S.

**S**TAT. 1 Eliz. Cap. 1. None shall Enjoy any Dignity or Office, Spiritual or Civil, nor take Orders, nor any Degree of Learning, but he must take the following Oath; And on Refusal, forfeits such Dignities or Offices.

The Form of the Oath of Supremacy.

I A. B. Do utterly Testify and Declare in my Conscience, That the [King's] Highness is the only Supream Governour of this Realm, and of all other [His] Highnesses Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal. And that no Foreign Prince, Prelate, State or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm: And therefore, I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities and Authorities; and do promise, That from henceforth I shall bear Faith and true Allegiance to the [King's] Highness, [His] Heirs and Lawful

Successors; and to my Power, shall Assist and Defend all Jurisdictions, Priviledges, Pre-eminencias and Authorities, granted or belonging to the [King's] Highness, His Heirs and Successors, or United and Annexed to the Imperial Crown of this Realm. So help me God, and by the Contents of this Book.

*Ibidem*, Sect. 27. By Speech or Writing to Affirm, Maintain, Promote or Defend any Foreign Jurisdiction, Spiritual or Ecclesiastical; Forfeits for the First Offence, all Goods and Chattels, Real and Personal. For the Second, incurs A P R E M U N I R E [which by the Stat. 16 Ric. 2. Cap. 5. Imports Forfeiture of Lands as well as Goods, to be out of the King's Protection, and Imprisonment.] And the Third Offence, is HIGH TREASON.

1 Eliz. Cap. 2. A Minister refusing to Use the Common-Prayer-Book, or Using any other Rite, (\*) Ceremony or Order, in open Prayers or Administration of the Sacraments, than what is prescribed by the Common-Prayer-Book, Forfeits one years profit of his Living, and must be Imprisoned

\* Are not many Churchmen guilty herein, by practising more than is enjoined?

*sented for six Months. For the second Offence, utterly Forfeits his Living. And for the Third, is to be Imprisoned during Life.*

*Ibid. Sect. 9, 10, and 11. To declare or speak any thing in the Derogation, Depraving, or Despising of the Book of Common-Prayer, or ANY THING therein contained, or any part thereof, Forfeits 100 Marks, or six Months Imprisonment. For the second Offence, 400 Marks, or 12 Months Imprisonment. And for the third, all his Goods and Chattels, and to be Imprisoned during Life.*

*Ibid. Sect. 14. Not hearing Common Prayer every Sunday Forfeits Twelve-Pence, besides Censures of the Church.*

*Stat. 5. Eliz. Cap. 1. To Maintain or Defend the Authority of the Bishop or See of Rome, incurs a Premunire.*

So to Refuse the Oath of Supremacy (which every Member of the Commons House is expressly required to take, before he enter the House) is also a Premunire: And being once Convict in either of these Cases, the second Offence or Refusal, is made HIGH TREASON.

*Stat. 5. Eliz. Cap. 23. If a Person Prosecuted in any Ecclesiastical Court, for any matters of Heresie, or refusing to have his Child Baptized, or not coming to Church, or for any Errors in matters of Religion, be Excommunicated, if taken, he must lie in Prison; if he cannot be taken on the Writ De Excommunicato Capiendo, a Capias and Proclamation shall issue; and if the Party do not render himself within six days, he forfeits 10*l.* And then another Capias and Proclamation, on which he forfeits, 20*l.* And so Capias after Capias infinitely, and on every one a forfeiture of 20*l.**

*Stat. 12. Eliz. Cap. 2. To Reconcile, or be Reconciled to the Church of Rome, or to obtain or put in use any Bull from thence, is HIGH TREASON.*

To bring into England or receive any Agnus Dei's, Crosses, Pictures, &c. from the Bishop of Rome, incurs a Premunire.

*Cap. 12. Every Priest or Minister that shall not openly read, and declare his unfeigned Assent to, and Subscribe the 39 Articles; or that shall maintain any Doctrine contrary to the said Articles, shall lose his Living.*

*Stat. 23. Eliz. Cap. 1. To withdraw any Subjects from the Establishment Religion, to the Romish Religion, or to be withdrawn or Reconciled, is made HIGH TREASON, and Misprision of Treason, in the Aider or Concealer thereof.*

Saying Mass forfeits 200 Marks, and Imprisonment for one year, and thence forwards till the 200 Marks be paid; and to hear Mass, 100 Marks, and a years Imprisonment.

Every Person above 16 years old, that forbears coming to Church one Month, forfeits 20*l.* and besides shall be bound with sufficient Sureties in 200*l.* to be of the Good Behaviour.

Keeping a School-Master that does not go to Church, forfeits 10*l.* per Month, and the School-Master to be Imprisoned a year, and disabled to Teach.

And notwithstanding the Penalties of this Act, the Spiritual Courts may proceed against such Offenders.

*Stat. 27. Eliz. Cap. 2. ff. 3. & 4. Every Jesuite, Seminary or other Priest, Religious or Ecclesiastical Person, Born within the King's Dominions, and Ordain'd or Professed without the Realm, or within, by any Authority derived from the See of Rome, that shall come into, or remain within this Realm, or other his Majesties Dominions, shall be adjudged and suffer as a TRAYTOR.*

And to Receive, Harbour or Relieve any such Priest is FELONY, without benefit of the Clergy.

To send Relief to any Jesuite, Priest, Colledge, or Seminary, beyond the Seas, Incurs a Premunire.

*Stat. 31. Eliz. Cap. 6. Assurances made by Recusants in Trust shall be void, as to the forfeitures of 20*l.* a month for not coming to Church; and after a man is once Convicted of that Crime, if he do not without any other Conviction, thence forwards (till he Conforms) pay after the rate of 20*l.* per Month into the Exchequer, all his Goods and two parts of his Lands shall be seized.*

*Stat. 35. Eliz. Cap. 1. For preventing such great Inconveniencies and Perils, as might happen and grow by the wicked and dangerous Practices of Seditious Sectaries and Dissolay Persons, it is Enacted, That if any Persons above sixteen years of Age, that shall forbear coming to Church for one Month, shall either move or perswade any other Person to abstain from hearing Divine Service, or receiving the Communion according to Law, or to come to, any unlawful Assemblies, Conventicles or Meetings; every such Person shall be Imprisoned without Bail until he Conform, and do in some Church make this open Submission following, viz.*

### S. 5. The Form of Submission.

*I A. B. Do humbly Confess and Acknowledge, that I have grievously offended GOD in contemning [His] Majesties Godly and Lawful Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm: And in using and frequenting Disordered and Unlawful Conventicles and Assemblies under pretence and colour of Exercise of Religion. And I am heartily sorry for the same, and do acknowledge and testify in my Conscience, That no other Person hath, or ought to have*



any Power or Authority over [His] Majesty; And I do Promise and Protest without any Dispensation, or any colour or means of any Dispensation, That from henceforth I will from time to time Obey and Perform [His] Majesties Laws and Statutes, in repairing to the Church and Divine Service, and do my uttermost endeavours to maintain and defend the same.

And if the party do not Conform and make this Submission within three Months after Conviction, then being required by any Justice of Peace, He or She shall in open Court (at the Assizes or Sessions) Abjure the Realm of England, and all other the King's Dominions; and so shall depart out of the Realm within such time as the Court shall Assign: And by such Abjuration, shall lose and forfeit all Goods and Chattels for ever, and Lands and Tenements during Life.

But if such Party either Refuse to Fortwear the Land, or do at any time after such Abjuration, return or come into England, or any of His Majesties Dominions, then he shall be Hang'd as a Felon, without Benefit of Clergy. Only no married Woman, nor any Popish Recusant, is Obligated to Abjure by this Act.

¶ Note, That this was the first Statute expressly made after the Reformation against Dissenters; and being by Learned Gentlemen of the Long Robe, thought to be Expired for want of a due Continuance; the Church of England, loth to lose such a precious piece of its Artillery, took care to procure a Statute 16 Car. 2. Cap. 1. whereby the same is not only declared to be in full force, but pursuant to that Example, Transportation of Dissenters is de Novo ordained, as you will find in its proper place.

Stat. 35. Eliz. Cap. 2. Every Recusant shall be confin'd within five Miles of his own Dwelling, and if he go further, Forfeits all his Goods and Chattels; and likewise his Lands and Tenements, for his own Life. And those of small Abilities not repairing to such place as shall be appointed for them, or departing thence, shall *ABJURE* the Land. Which if they refuse to do, or come again, then to suffer DEATH as FELONS, without benefit of Clergy.

Stat. 1. Jac. 1. Cap. 4. For any to send their Child, or any other under their Tuition or Government, beyond the Seas to any Colledge to be Instructed in the Popish Religion, forfeits a 100*l.* and every Person so sent, is disabled to Inherit or Enjoy any Lands, Tenements, or Goods; or to Claim or Sue for any Debts, &c. unless he Conform to the Church of England.

Keeping or being a School-Master in a Recusants House, or not being duly Licens'd, both forfeit 40*l.* a piece for every day.

Stat. 3. Jac. 1. Cap. 4. A Recusant, tho coming to Church, yet if He or She do not once a year receive the Sacrament at Church, forfeits 20*l.* the first year, 40*l.* the second year, and 60*l.* for every year after.

Every Person once Convicted of not repairing to Divine Service, forfeits thenceforwards 20*l.* every Month, until He or She Conform. But the King may refuse the 20*l.* per Month, and instead thereof take Two Thirds of all the Parties Lands, Leases, &c.

§. 13. Any Bishop in his Diocess, or Two Justices, may require any Persons above Eighteen Years old (except Nobles) to take the the Oath following:

The Oath of Obedience, commonly called, The Oath of Allegiance.

I. A. B. Do truly and sincerely acknowledge, profess, testify and declare in my Conscience before God the and World; That our Sovereign Lord King James is lawful and rightful King of this Realm, and of all other His Majesties Dominions and Countries. And that the Pope neither of himself, nor by any Authority of the Church or See of Rome, or by any other means with any other, hath any Power or Authority to Depose the King, or to Dispose any of His Majesties Kingdoms or Dominions, or to authorise any Foreign Prince to Invaad or Annoy Him, or His Countries: Or to discharge any of His Subjects of their Allegiance and Obedience to His Majesty; Or, to give Licence or leave to any of them to bear Arms, raise a Tumult, or to offer any Violence or Hurt to His Majesties Royal Person, State, or Government, or to any of His Majesties Subjects within His Majesties Dominions.

Also I do swear from my Heart, that notwithstanding any Declaration or Sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope or his Successors; or by any Authority derived, or pretended to be derived from him or his See, against the said King, his Heirs or Successors, or any Abolusion of the said Subjects from their Obedience; I will bear Faith and True Allegiance to His Majesty, His Heirs and Successors, and Him and Them will defend to the uttermost of my Power, against all Conspiracies and Attempts whatsoever, which shall be made against His or Their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise; and will do my best endeavour to disclose and make known unto His Majesty, His Heirs and Successors, all Treasons and Traiterous Conspiracies which I shall know or hear of, to be against Him or any of Them.

And

*'And I do further Swear, that I do from my heart Abhor, Detest and Abjure, as Impious and Heretical, this damnable Doctrine and Position, That Princes which be Excommunicated or Deprived by the Pope, may be Deposed or Murdered by their Subjects, or any other whatsoever.*

*And I believe, and in my Conscience am resolved, That neither the Pope, nor any other Person whatsoever, hath Power to absolve me of this Oath, or any part thereof, which I acknowledge by good and lawful Authority, to be lawfully Ministered unto me; and do Renounce all Pardons and Dispensations to the contrary.*

*And these things I do plainly and sincerely Acknowledge and Swear, according to these Express Words by me spoken, and according to the plain and common sense and understanding of the same Words, without any Equivocation or mental Reservation whatsoever; And I do make this Recognition and Acknowledgement Heartily, Willingly, and Truly, upon the true Faith of a Christian; so help me God.*

The Punishment for refusing this Oath, is first to be committed to Goal, till next Assises or Sessions; and then, being again tender'd in Court, he that denies to take it, incurs a **PREMUNIRE**.

§. 22. To Reconcile any Subject to the Pope, or See of Rome, or move any to promise obedience to any Authority of the Roman See; Or to be so Reconciled, or so promise Obedience thereunto, is **HIGH TREASON** in both the parties, and their Aiders Maintainers, &c. knowing the same.

§. 27. Twelve Pence every Sunday for not coming to Church, shall be Levied by distress on the Parties Goods.

§. 33. Every Person that shall Relieve, Harbour, Keep, or suffer any Person in his or her House, that shall not repair so Church once a Month, forfeits 10 l. per Month; and if such a Person be kept as a Servant, then the Master to forfeit 20 l. per Month.

And the power of Ecclesiastical Censures is still reserv'd over and above.

Stat. 3. Jac. 1. Cap. 5. No Popish Recusant Convict shall come into the Court or House where the King or Heir apparent to the Crown, shall be (without special Warrant) on pain of forfeiting 100 l. for every Offence.

§. 8. No Recusant shall practice the Law, Common or Civil, in any Quality; nor Physick, nor be an Apothecary, nor be Judge, Clerk, or Steward of any Court; nor bear Office or Charge Military, nor Command in any Ship, Castle, or Fort, but be utterly disabled, and forfeits 100 l. for every Offence.

§. 9. No Popish Recusant Convict, nor any having a Wife that is a Popish Recusant, shall at any time exercise any publick Office or Charge in the Common-Wealth, but shall be utterly disabled to exercise the same by himself or his Deputy; except such Husband himself and his Children, which shall be a-

bove the Age of Nine Years abiding with him, and his Servants, once every Month at the least, repair to some Church, and there hear Divine Service: And the said Husband, and such his Children and Servants as are of meet Age, receive the Sacrament of the Lord's Supper, at such times as are limited by the Laws of this Realm.

§. 10. Every Married Woman being a Popish Recusant Convict, that shall not Conform and hear Divine Service, and take the Sacrament within the space of one whole year next before the Death of her Husband, shall forfeit two parts of her Joynture, and two parts of her Dower; and also is disabled to be Executrix or Administratrix to her said Husband, or to have or demand any part or portion of her said late Husbands Goods or Chattels, by any Law, Custom, or Usage whatsoever.

§. 11. Every Popish Recusant Convicted, shall stand and be reputed to all Intents and Purposes, disabled as a Person lawfully and duly Excommunicated; And whoever shall happen to be Sued by any such Person, may plead such Conviction, in disablement of the Plaintiff.

§. 13. Persons Married otherwise then in some Church or Chappel and otherwise than according to the Orders of the Church of England, by a Minister lawfully Authoriz'd, the Man shall be disabled to be Tenant by the Courtesy of England, and the Woman utterly Excluded not only to claim any Dower or Joynture, but also of her Widows Estate and Frank Bank, in any Customary Lands, or to have any part of her Husbands Estate whatsoever; And for those that have no Lands, every Man Married otherwise than by the Church of England, forfeits 100 l.

*Widows must starve, rather than the Parson lose his Fees.*

§. 14. A Recusant not having his or her Child Baptized by a lawful Minister, and according to the Church of England, within one Month after it is Born, forfeits 100 l.

§. 15. A Recusant (not Excommunicated) Buried elsewhere than in a Church or Church-Yard, or not according to the Ecclesiastical Laws of this Realm, his or her Executors or Administrators, or the Party that causes him or her to be so Buried, shall forfeit 20 l.

§. 16. Children of any Subject sent to be Educated beyond Seas, (without special Licence) shall have no Benefit of any Gift, Conveyance, Descent or Devise of any Lands or Goods, till being of 18 years old they take the Oath of Allegiance, and Receive the Sacrament according to the Church of England; and Persons that so send their Children, forfeit for every Child 100 l.

§. 18. Every Recusant is disabled to Present to any Benefice, with or without Cure, Prebend, or any other Ecclesiastical Living, or to Collate or

Nominate to any *Free-school*, Hospital or Donative : Or to grant any *Awardance* to any Benefice, Prebend, or other Ecclesiastical Living.

§. 22. Recusants Convicted, are disabled to be *Executors* or *Administrators* to any Persons, or to be Guardians to any Child.

§. 25. To bring from beyond the Seas, or Print, Sell or Buy any Popish *Primmers*, *Ladies Psalters*, *Manuals*, *Rosaries*, Popish *Catechisms*, *Missals*, *Breviaries*, *Portals*, *Legends*, and *Lives of Saints*, containing Superstitious matter, Printed or Written in any Language whatsoever, or any other Superstitious Books Printed or Written in the *English* Tongue, forfeits 40 s. for every such Book.

Stat. 7. *Jacobi*. 1. Cap. 6. All Persons above Eighteen years old, *Women* as well as *Men*, shall take the Oath of *Allegiance* [ before at large recited ] on pain of Imprisonment for the first, and incurring a *Premunire* for the second Refusal, except *Married Women*, who shall be committed only to Prison, there to remain without Bail or Main-prize, till they will take the said Oath.

§. 27. Every Person Refusing to take the said Oath, shall be disabled to all intents and Purposes, to execute any publick place of Judicature, or bear any other Office, or to practice the Common Law, *Physick*, *Chirurgery*, the Art of an *Apothecary*, or any Liberal Science.

§. 28. If any *Married Woman* Convicted for not coming to Church, shall not within Three Months after such Conviction, Conform, come to Church and Receive the Sacrament, She shall be Committed to *Prison*, there to remain without Bail or Main-prize, until she do it, unless her Husband shall pay 10 l. per Month, or the third part of all his Lands and Tenements to the King, and so long, and no longer than he so pays it, may she be at Liberty.

Stat. 3. Car. 1. C. 2. Any Person that has been bred, or sends any Child or other Person to be bred beyond the Seas, in any Popish University, School, Seminary or Family; or that shall Send or Convey, by any means whatsoever, any Money or other thing towards the maintainance of any Child, or other Person there; or under the name or colour of any Charity, Benevolence or Alms, towards the Relief of any Abby, Nunnery, Colledge, School or Religious House whatsoever, shall for the same be disabled to bring or maintain any *Suit* at Law, or in Equity; or to be capable of any *Legacy* or *Deed of Gifts*, or to bear any Office; and besides, shall absolutely lose and forfeit all his *Goods* and  *Chattels*, and all his *Lands* too, during his own Life.

Only a Person so sent, if within six Months after his return into *England*, he Conform and Receive the Sacrament, may avoid these Penalties for so long as he continues in such Conformity.

Stat. 13. Car. 2. Cap. 1. §. 12. No Persons shall

for ever hereafter be chosen into any Magistracy or Office, in any *Corporation*, that shall not within one year next before such Election, have received the Sacrament, according to the Rites of the Church of *England*, and shall likewise take the Oaths of *Supremacy*, *Allegiance*, &c.

Stat. 13. and 14. Car. 2. Cap. 1. If any Person or Persons, who maintain that the taking of an Oath is altogether unlawful, and contrary to the Word of God, shall wilfully refuse to take an Oath, where, by the Laws of the Realm, he or she is bound to take the same, being duly tendred; or shall endeavour to persuade any other Person, to whom any Oath shall be lawfully tendred, to refuse and forbear taking the same; or shall by Printing, Writing or otherwise, go about to maintain and defend, that the taking of an Oath in any case whatsoever is altogether unlawful; or if Five or more of the People called *Quakers*, shall at any time meet for *Religious Worship*; for every or any of these Crimes, They shall forfeit for the first Offence, what shall be *Imposed*, not exceeding 5 l. for the second not exceeding 10 l. to be levied by Distress and Sale; and for want of such Distress, or Non-payment of the fine within one Week, the party to be sent to the common Goal or House of Correction; for the first Offence, Three Months; and for the second, Six Months, there to be kept at hard Labour; and for the third Offence, must *Abjure* the Realm, or be *Transported*.

Stat. 13. and 14. Car. 2. C. 3. §. 18. No Peer or other Person, shall be capable of acting as Lord Lieutenant of any County, Deputy Lieutenant, Officer or Soldier, unless he first take the Oaths of *Allegiance* and *Supremacy*, &c.

Stat. 13. and 14. Car. 2. Cap. 4. Every Person that shall be Presented, or put into any Ecclesiastical Benefice or Promotion, shall in the Church or Chappel thereto belonging, within Two Months after he is in actual Possession thereof, upon some Lord's-Day, openly, publickly and solemnly Read the *Morning* and *Evening Prayers* according to the Book of Common-Prayer; and then openly before the Congregation, testify his Approbation thereof, in these Words and no other:

### The CLERGY-TEST.

I A. B. Do here Declare my unfeigned Assent and Consent, to ALL and EVERY THING contained and prescribed in and by the Book, Entituled, The Book of Common-Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church according to the use of the Church of *England*, Together with the Psalter or Psalms of *David*; pointed as they are to be said or Sung in Churches, and

the form or manner of making, Ordaining, and Consecrating of Bishops, Priests and Deacons.

For want of making this Declaration, he shall be absolutely deprived *Ipso Facto*, of all his Spiritual Promotions: And others may be put in, as if he were dead.

§. 5. All Deans, Canons, Prebendaries, Masters, Heads, Professors, Readers, Fellows, Chaplains and Tutors in any Colledge, House of Learning or Hospital; And every Person, Vicar, Curate, Lecturer, and every other Person in Holy Orders, and every Schoolmaster or Teacher of Youth in any private Family, must at his Admission subscribe this Declaration;

### Another TEST for all Clergy Men and Scholars.

I A. B. Do Declare, That it is not lawful upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that Traiterous Position, of taking Arms by his Authority against His Person, or against those that are Commissionated by Him; AND THAT I WILL CONFORM TO THE LITURGY OF THE CHURCH OF ENGLAND, AS IT IS NOW BY LAW ESTABLISHED.

Every one failing or refusing so to Subscribe, forfeits his Living, Place or Office: And a Schoolmaster acting without it and a License, shall for the first Offence suffer Three Months Imprisonment, and for every subsequent Offence, the same; and also forfeit 5*l.* to the King.

§. 14. None shall be capable of any Parsonage, Vicarage, Benefice or other Ecclesiastical Promotion, nor presume to consecrate the Sacrament, that has not Episcopal Ordination according to the form prescribed in the Book for that purpose, unless he have formerly been made Priest by Episcopal Ordination, upon pain of forfeiting 100*l.* and not to be admitted into the Order of Priest for one whole year following.

¶ It may perhaps not be improper here to insert, (though omitted in our first Edition) some Clauses of the Act about Printing; since the same does at least indirectly concern Religion, and many have been severely punished thereupon for Books and Papers meerly Religious, and no way affecting the Civil State.

Stat. 14. Car. 2. Cap. 33. §. 2. None in England, or any other of His Majesty's Dominions, shall presume to Print any Books or Pamphlets, wherein any Doctrine or Opinion shall be asserted or maintained, which is contrary to the CRISTIAN FAITH; or the DOCTRINE or DISCIPLINE of the Church of England,

or which may tend to the Scandal of the Church, or the Government or Governours, of the Church, &c.

§. 3. No books of Divinity, Physic, Philosophy, or whatsoever other Art or Science, shall be Printed or Re-printed without being Licens'd by either the Arch-Bishop of Canterbury, or Bishop of London, or one of their Appointments. And the Licensor must Testify under his Hand (which must be Printed with the Book) That there is not any thing in the same contained that is contrary to the Christian Faith; or the DOCTRINE or DISCIPLINE of the CHURCH OF ENGLAND.

§. 16. All Persons Offending, shall for the first Offence, be disenabled from Exercising their Respective Trades for three Years. And for the second, shall for ever thence after be disabled to Use or Exercise Printing or Founding. And shall also have and receive such further Punishment by Fine, Imprisonment, or other Corporal Punishment, not extending to Life or Limb, as the Court shall Adjudge,

### Vestry-men's TESTS.

Stat. 15. Car. 2. Cap. 5. Every Vestry-Man must make the like Declaration, not only, That it is not lawful on any pretence, to take Arms against the King, and that he abhors that Traiterous Position, of taking Arms by his Authority against his Person, or those Commissionated by him: but also, That he will Conform to the Liturgy of the Church of England, as it is now by Law established.

Stat. 16. Car. 2. Cap. 4. §. 1. The Act of the 33 of Elizabeth before recited, is declared to be still in force, and that it ought to be put in due Execution.

§. 3. Any Person above sixteen years old, present at any Meeting, under pretence of Exercise of Religion, in other manner then is allow'd by the Liturgy or Practice of the Church of England, where there shall be present five Persons or more, above those of the Household, upon proof thereof made, either by Confession of the Party, or Oath of Witness, or Notorious Evidence of the Fact, the Offence shall be Recorded under the Hands of two Justices, or the Chief Magistrate of the place, which shall be a perfect Conviction; who thereupon may send such Person to Goal, or the House of Correction, for any time not exceeding three Months, unless he or she pay down so much money, not exceeding 5*l.* as the said Justice or chief Magistrate shall impose.

For the second Offence, Imprisonment, not exceeding six Months; unless money paid, not exceeding 10*l.*

§. 5. For the third Offence, to be sent to the Goal, or House of Correction, there to remain until the next Sessions or Assizes, and then to be Indicted, and being thereupon found Guilty, the Court shall enter Judgment of Transportation against such Offenders,



fenders, to some of the Forreign Plantations (*Virginia* and *New-England* only excepted) there to remain seven Years, and Warrants are to issue to sequester the profits of their *Lands*, or to distrain and sell their *Goods* to defray the Charges of their Transportation; and for want of such charges being paid, the Sheriff may contract with any Master of a Ship, or Merchant, to Transport them; and then such Prisoner must be a *Servant* to the Transporter or his Assigns (that is, whoever he will sell him or her to for five years,)—But upon paying down a 100*l.* the Transportation may be discharged.

If any under such Judgment of Transportation, shall escape, or being Transported, return into any part of *England*, they must suffer **DEATH** as **FELONS** without benefit of Clergy.

Only a Married Woman shall not be Transported, unless her Husband be at the same time under the like Judgment; for otherwise she shall be sent to the Common Goal, or House of Correction, for such time, not exceeding Twelve Months, as the Court shall think fit; unless her Husband pay down to much Money, not exceeding 40*l.* as they shall require.

To refuse to take an Oath, when serv'd with process, as a Witness or Jury-man, &c. Or being present in Court, to refuse to take any Judicial Oath legally tendred, incurs the like Penalty of Transportation as aforesaid.

*Stat. 17. Car. 2. Cap. 2.* All Persons in Holy Orders, or pretended Holy Orders, who have not declared their Assent and Consent to the Common-Prayer-Book, according to the Act for Uniformity; and shall not likewise take and subscribe the following Oath, viz.

### The T E S T excluding Nonconforming Ministers from Corporations.

*I. A. B. Do Swear that it is not Lawful upon any Pretence whatsoever, to take Arms against the King: And that I do abhor that Traiterous Position, of taking Arms by his Authority against his Person, or against those that are Commissioned by him, in pursuance of such Commissions: And that I will not at any time endeavour any alteration of Government either in Church or State.*

Together with all such as shall take upon them to Preach in any Conventicle or Meeting, for Exercise of Religion contrary to Law, shall not (unless only in passing the Road) come, or be within five Miles of any City, Town Corporate, or Burrough, that sends Burgesses to Parliament, nor within five Miles of any Town or place where they have Officiated, or taken upon them to Preach; upon pain of forfeiting 20*l.* for every such Offence.

Nor shall any Person so restrained, or who shall

not take the said Oath, and frequent Divine Service, Teach any School, or take any Boarders or Tablers that are Taught by any other, on pain likewise of forfeiting 40*l.* And two Justices upon Oath made of any Offence against this Act, shall commit the Offender for Six Months without Bail or Main-prise.

*Stat. 22. Car. 2. Cap. 1.* One Justice or chief Magistrate shall on Oath of two Witnesses, make a Record of a Conventicle, where any five Persons above sixteen Years of Age (besides them of the same Household) shall be Assembled for exercise of Religion, in any other manner than according to the Liturgy of the Church of England; which Record shall be a Conviction, and thereupon a Fine of 5*s.* shall be Imposed upon every Offender, which must be certified to the next Quarter Sessions: And for the second, and every other Offence, 10*s.* a peice; which in case of Poverty, may be levayed on any other Persons Goods present at the same Conventicle.

The Preacher forfeits for the first Offence 20*l.* And 40*l.* afterwards, which may be levayed on any of the Hearers.

He or She that suffers a Meeting to be in his or her House, Barn, or Yard, forfeits 20*l.* which may be likewise levayed on the Goods of any present.

Provided that no Person pay above 10*l.* (\*) for any one Meeting, in regard of the Poverty of any other Person or Persons.

Forfeitures incur'd by Married Women, shall be levayed on their Husbands Goods.

*Note.* There is a clause in this Statute, which his conceiv'd does fully Assert, and Reserve his Majesty's Right of dispensing with the Execution thereof, and consequently with other like Coercive Laws concerning Matters of Religion, by virtue of his Ecclesiastical Supremacy; in these words—

Provided that neither this Act, or any thing therein contained, shall extend to Invalidate, or avoid His Majesty's Supremacy in Ecclesiastical Affairs; But that His Majesty and his Heirs and Successors may from time to time, and at all times hereafter, exercise and enjoy all Power and Authority in Ecclesiastical Affairs, as fully and as amply as Himself or any of his Predecessors have or might have done the same; any thing in this Act notwithstanding.

*Stat. 25. Car. 2. Cap. 2.* All Persons (as well Peers as Commoners) that shall be admitted, Entred Placed or taken into any Office, Civil or Military, or shall receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant from his Majesty, or that shall have Command or place of Trust, in Eng-



gland, Wales, Berwick, the Isles of Jersey or Guernsey; or admitted to any Service or Employment in his Majesty's Household, shall in the next Term or next Sessions, after such Admittance, publicly in open Court take the several Oaths of Supremacy and Allegiance before-recited; and at the same time produce a Certificate of his having received the Sacrament of the Lord's Supper, according to the Usage of the Church of England, within three Months, in some publick Church, under the hands of the Minister and Church-Wardens, and make proof thereof by two Credible Witnesses at least, upon Oath; and likewise shall then make and subscribe this Declaration following:

**The General TEST for all in  
COMMAND, OFFICE,  
or TRUST.**

*I A. B. Do declare, That I do Believe, that there is, not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof, by any Person whatsoever.*

Every one that shall refuse or neglect to take the said Oaths, or to receive the Sacrament, or to make the said Declaration, and yet shall afterwards execute any of the said Offices or Employments, shall from thenceforth be disabled; first, To sue or use any Action, Bill, Plaint or Information in Courts of Law, or to prosecute any Suit in any Court of Equity. Secondly, To be Guardian of any Child, or Executor or Administrator of any person. Thirdly, Or to be capable of any Legacy or Deed of Gift. Fourthly, To bear any Office. Fifthly, Shall moreover Forfeit 500*l*.

If any not bred up from their Infancy in the Popish Religion, and professing themselves to be Popish Recusants, shall breed up, instruct, or suffer his Children to be Instructed and Educated in the Popish Religion; such Parents shall thenceforth be disabled to bear any Office, or Place of Trust or Profit in Church or State: And all such Children so Educated, are also utterly disabled of bearing any such Office or Place, till reconciled to the Church of England, they take the Oaths of Supremacy and Allegiance, and the Sacrament according to Law, obtaining a Certificate from two Justices thereof; and likewise shall make and sign the said Declaration or Test.

*Stat. 30. Car. 2. ff. 2. Cap. 1.* For preventing the Increase and Danger of Popery, and for the Safety of His Majesty's Royal Person and Government, It

is Enacted, That none that is or shall be a Peer of the Realm, or Member of the House of Peers, shall Vote, or make his Proxy in the House of Peers, or sit there during any Debate: Nor any that is or shall be a Member of the House of Commons, shall vote or sit (during any debate) in that House, after their Speaker is chosen, until they respectively at the Table, in a full House, have taken the Oaths of Supremacy and Allegiance, and made, Subscribed, and audibly repeated this Declaration following.

**The Parliamentary TEST.**

*I A. B. Do solemnly in the presence of God, Profess, Testify and Declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine, into the Body and Blood of Christ, at or after the Consecration thereof, by any Person whatsoever. And that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do solemnly in the Presence of God, profess, testify and declare, That I do make this Declaration, and every part thereof, in the plain and ordinary sense of the Words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever; and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever; Or without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am, or can be Acquitted before God or Man, or absolved of this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power whatsoever should dispense with, or Annul the same, or declare that it was Null and Void from the Beginning.*

Every Peer of this Realm, and Member of the House of Peers, and every Peer of Scotland or Ireland, (of 21 years of Age or upwards,) and every Member of the House of Commons that shall not have taken the said Oath and Test, and every Recusant Convict, who shall come into the King or Queens Presence, or where they reside; shall 1. Be adjudged a Popish Recusant Convict, to all intents, and forfeit and suffer as such: And 2. Shall be Disabled to hold or Execute any Office or Place of Profit or Trust, Civil or Military; Or 3ly. To Sit or Vote in either House of Parliament, and their Places in the Commons House to be supplied by Writs, to be issued by Warrants from the Speaker for new Elections. 4ly. Are disabled to maintain any Action or Suit at Law, or in Equity;

ty ; Or 5ly. To be Guardian to any Child, or Executor or Administrator of any Person ; or capable of any Legacy or Deed of Gift : And besides, shall forfeit for every Offence against this Act, the Sum of 500*l*.

And either House may order or cause all or any of its Members, openly to take the said Oaths, and subscribe the said Declaration at such times, and in such manner as they think fit.

*Having thus given an Impartial Abridgment of the Penal Laws about Religion, I shall now (in discharge of my Promise in the Introduction) proceed to offer some brief Observations thereupon.*

## Observations.

THESE, my honest Countrey-men ! are those LAWS, these the so much celebrated TESTS, and these the respective PENALTIES attendant thereon ; which the King is graciously pleas'd to *Dispense* with at present, and desirous to have (in a Legal manner) Abrogated for ever ; That it may not at any time hereafter, lie in the Power of an angry Priest, or a peevish Justice, or a malicious Neighbour, or a beggarly Informer, to Jail your Persons, or Ravage your Goods, merely for not thinking as they would have you ; or for not playing the Hypocrites, both to God and the World, by enforc'd Compliances, that you have always avow'd your Consciences could not admit of.

### *Talia recitasse est Consutasse.*

The bare Repetition of such Unreasonable Acts should (one would think) be Reason enough to persuade a Repeal of them ; especially to Protestant Dissenters ; who as they are most concern'd, as having so much already Smarted by them, must be Intoxicated beyond the Reclaim of Helldore, If by any little Arts, wild Jealousies, incertain Hopes, or ill Surmises ; They (in opposition to God's wonderful Providence, their Princes unexpected Favour, and all the Obligations both of Gratitude and Interest) shall suffer themselves so far to be Inveigled, as not to Exert their most Strenuous Endeavours towards flinging away those Rods, that have but the other day so severely Lash'd them ; and which (if continued) they may justly apprehend, will hereafter prove Scorpions, both to themselves and their Posterity.

But since there are Eyes so weak, as cannot without the Aid of SPECTACLES read the most perspicuous PRESENT Truths, much less penetrate into Futurities, especially when so many MISTS are industriously rais'd by a grand Party of self-interested People, to BECLOUD and mislead them ; I thought it might not be unreasonable to add a few NOTES ; which, perhaps, may somewhat conduce to the better understanding of the whole matter.

I. It cannot be denied but these Coercive Statutes about RELIGION, are formidable for their very Bulk, no less than THREE or FOUR and TWENTY in Number, each consisting of variety of Clauses and Penalties. Now 'tis a Rul'd Case ; In pessima Republica plurime Luges ; That an Over-grown Multitude of Laws, is a Symptom of a great Depravation of manners ; That Body Politick being but in a Crasie Condition, which has need of such frequent Physick. Nor can any Church much recommend it self, by urging the Need it has of such Supporters.

But, as after some Speculative Wits had Disarray'd the Simplicity of the Christian Religion with nice Distinctions, and subtle Definitions, and artificial Systems of their own contrivance, it was said by way of Complaint or Satyr—*Ingeniosa res est, Christianum esse ; 'Tis now become a business of Wit to be a Christian.* So a Man had NOW need be a good Lawyer before he can be a good Subject ; at least, before he can walk safely, without being caught by some of these many Tender Hooks stuck up in his way : For whilst he inno-

cently intends nothing, but Truly and Heartily to serve his *God* and his *King*, he may unawares, by some of these Statutes, be transform'd into a *Traitor*, or a *Seditious Villain*, and forfeit his *Life* or *Estate*, without having done any thing but what every *Honest Christian* holds himself Obliged unto, on such like occasions.

II. Not only the *Number*, but the *SEVERITY* of these *Laws*, is very Considerable: How of en do we meet with New-minted *Treasons*, and Unaccountable *Felonies* in 'em? Here's *Hanging*, *Drawing* and *Quartering*; Here's *Bride-welling*, *Banishing* and *Selling* of People to *Slavery*; Here's Forfeiting of *Lands*, *Goods*, *Common Right*, and all the natural Privileges of *Free-born Englishmen*; People Convicted in an Arbitrary way, without Trial by their *Peers*; One man punish'd for the Act of another: The poor distressed *Widow*, and the helpless *Orphan*, not escaping their fury. And for what all this? Not for any *Disloyalty*, Conspiracy, or Disturbing the publick Peace: Not for *injuring* any of our Neighbours or Fellow Subjects: For nothing Criminal by any Law, *Moral* or *Divine*; but only for *Worshipping* our *Almighty Creator*, according to our Light, in the best manner we can (after a serious Enquiry) apprehend to be acceptable unto Him. Or for not joyning in certain *Rituals* and *Ceremonies*, which the *Imposers* themselves confess to be *Indifferent*, and the *Dissenters* conceive to be either *Sinful* or *Unwarrantable*. In a Word, We must (if we would have these *Laws continued*) be Destroy'd or Ruin'd in *This World*, merely because we are not willing to be *Damn'd* in the *Next*. Is it not therefore matter of Admiration, That *Englishmen*, to whom *good Nature* has been esteem'd so peculiar, that some have observed no other People have a proper word of their own, whereby to express it; That *Christians* whose Badge is *Love*; and especially that *Protestants*, who profess the most *Moderate* Principles, and have always complain'd of *Persecution* as one of the Marks of *Antichrist*, should yet advance such an Heap of *Sanguinary Ruinating Laws*? Or if various Provocations, Exigencies and Reasons of State, might excuse the making of them at first; yet who can without *Astonishment* think, That there should any *sober Men* be found amongst us, to fiddle for their Continuance, at a Juncture when *God* and the *King*, the publick Interest of the Nation, and that of every particular Party therein (rightly understood) All joyn *Suffrages* for their *Repeal*?

III. What's THE END of these numerous harsh *Laws* touching Religion? That which they pretend to, is the *Safety* of the *King*, the Pub-

lick *Peace* and *Uniformity*: But the real *Intent* was, to make a *Part* of the People, that call themselves the *Church of England*, Lords of the *Whole*; who thereby secure to themselves, first all the good *Living*s; and next, would afford no *Living* at all, to any that differ from them; *Inter-twisting* their own Interest with that of the *Crown*; though it be but like *Ivy*, which clings about the *Oak* only to support *its self*, and at the same time sucks away the *SAP* from the *Tree*, and makes it Languish by *Embraces*. Thus, No *Bishop*, no *King*, was strain'd much further than the Original Intent of that *Apophthegme*: Whosoever would not comply with their *Dictates*, was a *Rebel*: In their *Oaths* and *Tests*, they would be sure to hedge in something or other for their own Interest.—You shall not endeavour any Alteration in *CHURCH* or *State*.—You must take such a *Test* [that shuts out the *PAPIST*] But you must also (if you will have any Employment) bring a Certificate of your Receiving the *SACRAMENT* with the *Church of England*. (This debars the honest *Conscientious Protestant DISSENTER*) So the *Church-man* engrosses all: And can we blame him for being kind to himself? Or expect he should not represent under ill Characters, whatsoever tends to deprive himself of such Advantages?

IV. But 'tis not so much the *Number*, the *Rigor*, nor the ill End of these *Laws*, that urges their *Repeal*, as their intrinsic *Injustice*, and *Repugnancy* to the Law *Divine*, and Natural *Equity*. For,

1. Since the *Word of God* is acknowledged to be the sole *Rule of Faith*, and no *Humane Authority* so highly Empower'd, as to bind up our Assents to whatsoever Interpretation it shall please to propose: It clearly follows, That as all the *Children of God*, have equal Interest in the *Testament* of their Father, so no one amongst them, has any right to Impose a Force upon the Judgment of his Brother.

2. If we reflect upon the *Difficulties* we must encounter in the way to *Truth*, and withal consider the shortness of our *sight* (for here we see but in port; *Veluti per Speculum in Enigmate*, as in a *Glass* darkly,) there will be found more reason to endeavour the mutual *Assistance* and *Support*, than the malicious *Ruine* and *Destruction* of one another. However, since all have neither equal depth of Natural Judgment, nor the same measure of Supernatural Illumination. (For, the *Spirit bloweth where and how it listeth*.) We ought not to attempt so high a *Presumption*, as to *Despise* or *Persecute* our Brother for his innocent and blameless *Mistakes*, lest we be found to fight against *God*, who

who is the free Disposer of his Gifts. We know, *the way of Man is not in himself*, Jer. x. 23. But his steps are Ruled by the Lord, Prov. xx. 24. Therefore did we bear a due respect to our Maker, we should be content to await his good Pleasure, who has engag'd himself by his Apostle, *Philip. iii. 15. If any Man be otherwise minded, God shall in time Reveal even this unto him.* Let us therefore entertain such an one, who proceeds in the Simplicity of his Heart, with Milk, till he become able to digest strong Meat.

3. Force is Punishment, and consequently not just, unless the Offence be voluntary; but he that believes according to the Evidence of his own Reason, is necessitated to that belief; and to compel him against it, were to drive him to Renounce the most essential part of Man, his Reason. Why should we be commanded to try the Spirits, 1 John iv. 1. To prove all things, 1 Thess. v. 21. If there be not a faculty in the Soul to Judge for her self? Why are we enjoyn'd, To hold fast that which we find best, if after our serious and deliberate Election, we shall be whipp'd out of our Conscience by Penalties? To Believe what appears untrue, seems impossible: To profess what we believe untrue, I am sure is damnable. And as 'tis certain, whoever swerves from the dictate of his Conscience, commits a grievous Sin, Rom. xiv. So I conceive, they that endeavor by Force, or the Artifice of Penal Laws, Test, &c. to draw any Man to Profess or Act contrary to what his Soul believes, are as guilty of the same Crime. When you Wound the weak Consciences of your Brethren, you Sin against Christ, 1 Cor. viii. 12. How dangerously then do they expose themselves to the just Indignation of God, who by Oaths, Forfeitures, &c. both drive others, and fall themselves on the Brink of Eternal Perdition? How desperately do they endeavor to extinguish the Light of Nature, which indispensably Obliged all Men to deal with others as they would be dealt with themselves? A Light placed in Clear and Candid Souls, to Shine and Guide them; but in Black Ones, to Condemn and Burn them. Now who would willingly be Jayl'd, or Ruin'd, or shut out of the Government, merely for his Opinion? And if he would not be served so, with what Face does he require that others should?

4. These Laws are contrary to the Nature, and general Tendency of the Christian Religion, and opposite to many plain Texts. As, 2 Tim. ii. 24. *The Servant of the Lord must not Strive, but be Gentle unto all men; apt to teach, forbearing, in meekness instructing those that are contrary minded, if God peradventure will give them Repentance to the Acknowledging of the Truth.* James iv. 12. *There is one Lawgiver who is able to Save, and to*

*Destroy; who art thou that Judgest another? Or, as 'tis to the same purport express'd, Rom. xiv. 4. Who art thou that judgest anothers Servant? To his own Master he standeth or falleth; yea, he shall be holden up, for God is able to make him Stand.—Let every Man be fully perswaded in his own Mind. Hast thou Faith? Have it to thy self before God: Happy is he that condemneth not himself in that which he allows: That is, whose Conscience inwardly accuseth not his outward Profession.* So 1 Cor. viii. 12. *If any Brother hath a Wife that believeth not, and She be pleased to dwell with him, let him not put her away: And the Woman that hath an Husband that believeth not, and he be pleased to dwell with her, let her not leave him; but if the unbelieving depart, let him depart: A Brother or a Sister is not in Bondage in such Cases, but God hath called us to peace; for what knowest thou, O Wife! Whether thou shalt Save thy Husband? And what knowest thou, O Man! Whether thou shalt Save thy Wife? As God hath distributed to every man, so let him walk. What could be more efficaciously said to oblige Christians in Charity and Meekness, to forbear one another, than so express an Injunction of so great an Apostle to live peaceably even with an Infidel? And again, 2 Cor. i. 24. he denies that even the Apostles themselves have Sovereignty over the Conscience, but only Commissions to assist the Conscientious—Not that we have Dominion over your Faith, but are helpers of your Joy: Therein exactly observing the Orders which Christ gave to his Apostles, Go and Teach; not force by temporal Penalties, or External Violence; And if any receive you not, shake off the Dust of your feet, Matth. x. 14. not trample on them as Dust under your Feet. Consonant to which, our Saviour else-where instructs his Disciples, Matt. xxiii. 9. *Be not called Rabbi, (that is, Masters in Spiritual matters) for one is your Master, even Christ, and all ye are Brethren.* To this belongs the patient forbearing the Tares, and letting them grow together with the Wheat, till the time of Harvest. As also that admirable President of Mildness towards the Samaritans, who refused to receive even Christ himself, whereupon the Disciples James and John, would immediately have commanded Fire from Heaven to consume them, as in the days of Elias: But our merciful Lord rebuked their uncharitable Zeal, with this sweet and tender Reply,—*You know not what manner of Spirit you are of, the Son of man is not come to destroy men's Lives, but to save them; Luke ix. 54.**

By these and many other evident Scriptures, I conceive it sufficiently appears, that Persecution for Conscience is an unwarrantable Tyranny over the just Privileges and Liberty of a Christian; whose



whose Religion, as it was not at first Advanc'd in the World by any Methods of Humane Force or Violence, so neither doth it need any such Props to Support or Preserve it. And since in our Law-Books we frequently meet with such Maxims as these:—*That even an Act of Parliament which is against the Law of God or Reason, is void.*—*That if a Statute be defacto made contrary to a Fundamental Right either of the Crown or the Subject, or opposite to Natural Equity, it is Null:* It must follow, That so many of these Laws as are so qualified, are either already of no force, but *Nullities, ab Initio*; or at least, That 'tis the Duty as well as Interest of every Christian Man to wish for, and endeavour, in a Regular Course, their Repeal.

And therefore I cannot doubt, but when the particular Persons, of whom the great Body of this wise and generous Nation is Compos'd, shall have considered (somewhat more calmly and deliberately than their own Passions, or the false Lights held forth before them by some self-interested People, have hitherto permitted them to do) How much every Law of this Nature is against the Tenour of the Gospel, and the very Principles of that Sacred Religion which they all profess to own; How unjust and cruel, in Punishing Persons for not Acting against the Dictates of their Consciences: How destructive to the Trade and well-being of the Nation, by Oppressing, Discouraging, and driving away the most industrious working Hands, Depopulating, and thereby both Weakening and Impoverishing our Country; (which is capable, if due Methods of Industry were pursued, of Employing twice the Number of People as now we have, and yet not a Beggar beleft in the Kingdom) Lastly, how contradictory to that Sovereign Rule of Justice which requires, *That no Man shall do unto Another, what he would not have done to Himself, under the like Circumstances:* When all this I say, shall have impartially been weighed; Methinks there should not be found a Magistrate, nay scarce a Common Subject, either of Substance, Sence, or Conscience, who will not as positively Renounce the Execution, or being accessary to the putting in Execution any Law of this Nature, as he would become Guilty of those detestable Sins, *Murder or Theft.* And so much the rather, because many of them are not only *Unjust*, but *Impious* too; Profaning the Holy Sacrament, by exposing it as an Inlet to secular Employments and Designs.

V. If these Laws were ever Just and Convenient, yet they are now become necessary to be Abolish'd, by the Revolution of Things and Acts of Divine Providence. The reasons of making them, being long since chang'd and ceased, why should the Laws themselves be continued? Since they are now grown *Impracticable*, both in respect of the KING, and of the NATION.

1. *In Respect of the King.* Can it be imagined that a *Sovereign Prince*, that has any Zeal for that Religion he Professes, will tamely suffer all those of his own Communion, meely for their being so, to be Ruined and Undone by the rest of his Subjects? Our Sovereign happens to be a *Roman Catholic*; He cannot exercise his Religion without some Priest to Officiate, and yet these Laws make it TREASON for any such Priest to be in England: This indeed is not to exclude Him from the Crown, but as much as lies in the power of those Statutes, to exclude Him from Heaven; since they deny Him those means which he Believes are necessarily conducive thereunto. If you say His Majesty may undoubtedly dispence with the penalty of the Laws in that particular Case, I demand, why he has not the same general Authority to do it in all other like Cases? And if the Laws of this kind are fit and necessary to be dispenced with, and not Executed, why not to be Repeal'd? Why must they keep up a parcel of dangerous Edg-tools not fit to be used, yet so h as if they should ever fall into some Hands, may do much more Mischief to the Nation than ever they did formerly?

Again, by these Laws, no Man must serve the King in any Capacity, but such as are not only of a *different Religion*, but who must also first publicly Charge and Declare HIS to be Guilty of IDOLATRY; nor must any, but such as shall have so declared, come into his Majesty's, or his Royal Consorts Presence, or where either of them reside; Can Subjects of any common Modesty expect or desire the King should approve of such a Law, or not vigorously endeavour its Repeal?

And indeed, let some People talk what they please of their Loyalty, this humour of Multing a Man in his Temporal Concernments, for his *Spiritual Persuasions*, making Justice and Equity lacquy after the Capricio's of Opinion; and suspending Civil Properties upon this or that Notion of Religion, is a most *Seditious*, *Embroyling*, and *Disloyal Principle*, for it not only has been, either the very occasion, or colourable pretence of most of the Wars, Insurrections, Rebellions, Blood-shed and Miseries, that have wasted Christendom for several Ages: But being once admitted to be Lawful against any Sect or Party, or to any, tho' the smallest degree of Forfeiture, it may presently after be ran higher, and so far beyond any Boundaries of Respect, that it has not seldom flown in the Face of Majesty itself; of which he is much a Stranger to History, that cannot give diverse Examples: And our own Memories must be very Treacherous, if we have forgot that many of the same Parliament Men, who at first, Sacrificed civil Rights for Nonconformity in *Common Dissenters*, advanc'd afterwards so far, as to endeavour to deprive His present Majesty of his undoubted Right



to the *Imperial Crown*, merely on the same pretence. Of so dangerous a Consequence it is to *Minarchy*, to countenance such *Doctrine* or *Examples* in the case of the *Meanest Person* in a Kingdom: For by exposing *Property* for *Opinion*; the Prince exposes the *Consciencies* and *Rights* of his own Family to the Church, upon every Alteration of Judgment: which for ought he can foresee, may happen.

From all which Reasons I infer, That these Laws are not Practicable in Respect of the KING.

2. They are not Practicable if we regard his People: For the strict Execution of them but for one Year, would certainly *Ruin the Nation*; for besides the *many Thousands*, who tho' they can go to Church, yet dare not Receive the *Sacrament* to qualify them for a *Place* or *Office*, whereby they are rendered incapable of Employment, and consequently a *National Charge*; Let us but suppose (and I hope it is but a modest supposal) That there are but One Hundred Thousand *Disseuters* of all sorts in the Kingdom, of such a tender Conscience, as they cannot Comply with, or Joy in the *Common Liturgy*, and dishonestly Courageous, as to resolve to suffer the last Extremities, rather than commit that which they ('t's no matter whether *Truth* or *Ignorantly*) verily apprehend to be Sin; And withal, that they are Persons of *Competent Fortunes*, *Substantial Gentlemen*, *Active Merchants*, *Industrious Yeomen*, *Clothiers*, or *Retailing Traders*, upon whom at least Five Hundred Thousand other meaner People must Actually depend for their Employment and Lively-hood) now for each of these, here is by One of these Acts, no less than 20*l.* a Month, that is, 240*l.* per Annum, to be levied on their Estates; which in the whole (if I miscount not) amounts to Four and Twenty Millions of Pounds Sterling, in one Year. Add to this, the Havock and Spoil made on their Lands and Goods, in the Levying and Appraising. Besides all other Penalties for *Religious Meetings*, Fines upon pretended *Riots*, Forfeitures upon *Excommunications*, or constant Rent of *Cautious-Money* to *Dissenting Commons*; together with the neglect and loss of their Employments, to the ruin of their Dependants, sinking of the value and rents of Lands, and decrease of the Publick Trade of the Kingdom, and consequently of His Majesties Revenue; and that the most part of this *Prodigious Sum*, will be swallowed and devoured by the *Rapine* of INFORMERS, (the dregs and vilest of People, that contribute nothing but *Riot* and *Mischief* to the Publick) Or by the Dishonourable avarice of a few persons that might happen to be in Power or Office; nothing considerable, from all this *mighty Ruin*, accreting to his Majesties Coffers; but still we may say as *Esther*, when the *Dissenting Jews* were by the ill Council of a wretched *Haman*, threatened to be Extirpated, ——— The Enemy could never countervail the Kings damage, *Esther* 7.

4: So that upon the whole, what we asserted, may be believ'd, That the exact Execution of these *Penal Laws*, would in one Years time bid fair for the *Ruin* of the Nation; and if they would be so horrible damageful to the Publick in their Execution, why should any Person of a *Free, Generous, Publick, Christian Spirit*, be for their Continuance?

VI. Especially since these *Coercive Statutes* about *Religious Apprehensions* are altogether *Useless*, and ineffectual to those Ends for which they pretend to be Design'd, having never yet Succeeded; but on the contrary, have caused unspeakable Confusions to the People, and Vast Damages to the Prince, where ever they have been attempted; as is Confirm'd by all History, and the Reason thereof is obvious in Nature, for when any Persons are Persecuted for their *mer Religion*, whilst in all other respects, they demean themselves as *Grave, Innocent, Moral Men*, good Neighbours, and obedient Subjects, every Body that has not divested himself of all good Nature, and surrendered his Understanding absolutely Captive to the Bigottry of some particular cruel and inhumane Opinion, is apt to commiserate them, and from that Sympathizing with their Sufferings, is led to enquire after, and Sympathize with their Sentiments; which perhaps otherwise he had never understood or regarded. Moreover the relying thereon as so very necessary, seems to be a calling God's Wisdom or Power in question, as not foreseeing how, or being unwilling or unable to secure his Religion and Worship without Humane Force; Which in his Word, he is so far from requiring or allowing to any such End, that he Expressly enjoys the contrary; and assures us that the Wrath of Man Worketh not the Righteousness of God. And 't's to me matter of amazement, that any that would be accounted seriously Religious, especially that own themselves Dissenters, should appear Men of so little Conscience, as to oppose an Establishment of Liberty of Conscience for ever, by an absolute Removal of all those Laws, Tests, &c. that Infringe it.

VII. But many that would be thought Enemies to all Persecution, and inclinable to the taking away of the Penal Laws, yet seem to struggle zealously for the continuance of the TESTS, as the only Bulwark to preserve us from an Inundation of Popery, and consequently from that very Persecution which we could obviate by this Repeal; I must crave leave to remind them, That the TESTS are a main part of these Penal Laws; For he that merely for holding, or not renouncing such or such a Religious Opinion, shall be debar'd of those Rights, Privileges, or Advantages which otherwise he might pretend to and Enjoy, is really as much a Sufferer for Conscience in kind, tho' not in degree, as he that

is actually put to *Death* for the same. And by parity of Reason, *the one* may be justified as well as *the other*; For if once the maintaining a *Tenet* in Religion contrary to the *Publick Establishment*, and yet no way against the *Moral Law*, shall be made matter of *Offence*, or any way *Criminal*, by the *Civil-Law*; where shall we stop? Or by what *Rules* shall we limit the *Penalty*, other than meer *Will* and *Pleasure*? Since those that fancy themselves in the *Right*, and have *Power* to back them, will seldom fail to *blacken* those they say are in the *Wrong*, with the most *Odious Characters* and *Aggravations*.

By insisting on such *Methods*, we do by our *own Practice*, in effect, approve of the Ground of those *Rigors* for which we have so loudly blamed *others*: But by an utter *Renunciation* of the *Persecuting Principle*, in all its Branches, we do in some respect disarm *Papists*, or others, from making use of the same *Weapons* against our Selves; at least, we shall suffer both the more *Honestly* and *Chearfully*, when they cannot justly *Charge* or *Upbraid* us with having pursued the same ill Measures. Let us not flatter our selves with hopes of *Security* and *Preservation*, from Expedients that we cannot with a good Conscience justify: *Fiat Justitia, ruat Mundus*; Let us contribute our share to do *Equal Right* to all our Fellow Subjects, without dreading any supposed ill Consequences that may follow, but having faithfully discharged our own Duty, fiducially trust *Divine Providence* to Govern the World.

For if it be imposed upon Men to Worship God after such a manner, or with such *Ceremonies*, to make such or such *Declarations* of their Opinions, which they pretend at least to scruple in their Consciences, least they should thereby offend God; whether their Consciences be so or not, is only known to his *Omniscience*; If they *dissemble*, He will punish their *Hypocrisy*; If really it be against their Consciences, where there is *no Sin* in the Nonconformity, they neither ought to do, nor be punished for not doing it; The matter being merely *Spiritual*, the Searcher of Hearts can only determine and judge thereof, and not *Man*. For to believe so, or not so, is not in the Magistrate's Power to *Enjoy*, therefore not to Punish. We are to leave it to God to perform his own Works, who is the most Skillful Operator, and his ways past finding out; bringing his own purposes to effect by such means as best please him, and often above our Comprehension. He hath no need of an *Helper*, nor is any Essence capable of Assisting him: The *Preservation* and *Restoration* of the Church, is a work of *Divine Power*, as well as the *Edification* of it. And those that impose on Consciences, and would pretend to help God by that irregular way, to save Souls, or preserve themselves, presume too much on their own Consciences, and have too little veneration of his *Word* and *Omnipotence*.

VIII. I will not alledge, That the Imposing of these TESTS deprives many of their just *Rights*, as particularly the *PEERS*, who being born Hereditary Members of the King's *Great Council*, cannot, I conceive, Forfeit that Title but by some offence, which also forfeits both their Honour and their Lives. But this I think I may Avow. That the King by the Law of Nature, and the Fundamental Constitution of this Realm, has a Right to command the Service of *all his Subjects*: Nor do I understand how he can by any *Positive Law* be deprived thereof, or they discharged from their *Attendance* and *Duty*, when ever he shall find it necessary or expedient to require it. For I observe by the current Usage of all Times, and constant Opinion of our Judges, That the King has ever been acknowledged to have a Power of Dispensing, by a Clause of *Non-Obstante*, with any Act of Parliament merely prohibitory of any thing that is not *Malum in se*.

For indeed, a contrary Method (especially in *This Case*) seems to imply an Inroad upon the Sovereign Rights of *Monarchy*; an Engrossment of the Service and Favour of the King, to a peculiar *Set* or Party, perhaps not truly comprehending more than *One Fourth Part* of the People of his Dominions; A setting up the *MITRE* in equal Competition with, or rather Superiority to the *CROWN*: As if *Conformity* or *Non-Conformity* to certain Ecclesiastical Dogmas or Ceremonies, were the *Standard* and Measure of the Subjects *Loyalty*, or their Princes *Paternal Favour* and *Protection*. And what is all this but to streighten and *Cramp* up the *Universal Interest* of the Government, to the *Narrow Dimensions* of a *PINFOLD*? To Out-law more than half the King's Loyal People, at every Blast of the Clergy-man's Horn? And in fine, to Advance not only Desolating Miseries at Present, but sow and nourish perpetual Seeds of Discord and Faction in a State? Since those that apprehend themselves unjustly oppress'd and debarr'd of their Native Rights and Privileges, is common with their other Fellow-Subjects, and especially aggriev'd in the most tender part of their Souls, the due *Worship of their God*, whereon depends not alone their Comfort in this World, but all their hope of a *Blissful Eternity*, will be apt (for we find the *Best Men* have their *Blind Sides*, and Religion does not strip us of *Natural Affections*) to be Male-content, Uneasie, and ready to study *All Means* (in which Zealous Ardour they may possibly stumble on some *Indirect Ones*) to remove those *Tokes*, and supplant such as they take for their *Enemies*: And at the same time our *Prince* and *Country*, by such fatal Conduct, may happen, in any grand *Shock* of Fortune, as a *Fo-*

*War, or Domestic Infection, to want the Counsel and Service of many of the Ablest States-men or Bravest Commanders in the Kingdom, because they are one way or other Disabled, and their Employment forbid, unless they will first submit to certain Religious Notions or Rituals, which their Consciences neither approve of, nor can comply with.*

Touching the danger of being over-whelm'd with Popery upon a Removal of all the *Tests*, I have said something else-where [See the *Animadversions on the late Letter to a Dissenter*.] That his Majesty is content we shall have what just Security the Wisdom of the Nation shall propose, to allay those Apprehensions; and that 'tis nothing impossible to find Effectual Expedients for that purpose, without Imposing any Clog upon Mens Consciences.

There is an Objection which makes a great Noise with some People, viz. That there is no wrong done Roman Catholics in excluding them from all Places and Preferments, especially from all share in the *Legislative Power*, because they have in effect precluded themselves, by owning a Foreign Head, to wit, the Pope: But this I think rather to be a *Popular* than *Cogent* Argument, for that *Headship* they ascribe to him, I take to be only in matters of Faith; and purely *Spiritual*; For otherwise they acknowledge, That this Realm is a *Sovereign Independent Kingdom*; consequently that the Bishop of Rome has no Civil or Temporal Jurisdiction here; Nor do any Foreign Canons or Decrees of Councils bind here, until received and allowed by common Assent. And accordingly we find in the *darkest times*, many Acts of Parliament made to restrain the Encroachments of that See; Witness the *Statute of Provisors*, &c. So that how they should merely for speculative *Mistaken* Opinion, deserve to be divested of, or abridged from the Natural Privileges of free-born English-men, I am not able to penetrate into. At worst, in the *General Act* for Settlement of *Liberty of Conscience*, sufficient *Provisions* may be made to prevent any ill Consequences thence like to ensue; which always I pre-suppose, and take for granted, (because Frankly offered by His Majesty) in all Discourses on this Subject.

IX. As the Test of 25 Car. 2. though it seems Levell'd against Papists, does by that Connexion of having received the Sacrament, as well exclude all other Dissenters from any place of Profit, Honour or Trust; So in the other, of the 30 Car. 2. it has been shrewdly urg'd by a late Writer, Whether all Protestants, especially those of the Church of England, (who grants a *Real Presence* in the Sacrament, only declines to determine the man-

ner, and who delights both to call her Ministers, Priests; her Communion Table, an *Altar*; and practises *Bowing* towards it, and Enjoyns Receiving *Kneeling*;) It may, I say, be a Question, whether all his Sons can satisfactorily to their own Consciences, take such a Test as that, wherein they must solemnly in the Presence of God Testifie and Declare, That they do Believe, that there is NOT ANY TRANSUBSTANTIATION, &c. And that the SACRIFICE OF THE MASS, as now used in the Church of Rome, is IDOLATROUS: For a man may be far from Believing Transubstantiation, or thinking the Sacrifice of the Mass warrantable; and yet scruple to swear, That there is not any such Thing as the one, or that the other is formally Idolatrous.

Lastly, Penal Laws of any kind, for meer matter of Conscience, are a Grievance that all sorts of Perswasions amongst us, have in their respective Turn loudly Complain'd of, and Condemn'd. The Protestants upbraid Papists with their Cruelties Acted by Bonner and Others, under Queen Mary: And the Papists speak hard of their Sufferings under Queen Elizabeth: Nay, many Protestant Non-Conformists, through the over-sharp Conduct used (by some Peoples Intigation) towards the latter end of that Excellent Princess's Reign, smarted very severely, (some of them even unto Death) who failed not to Remonstrate against such Proceedings.

So when the Church of England her Self was in a Persecuted State under the late Usurpers, she appear'd an Advocate for Toleration, in opposition to all force upon Conscience; witness that Incomparable Treatise, Entitled, *The Liberty of Prophecy*; Written then by one of her most Learned Doctors, afterwards a Reverend Prelate. Nor can many of her Sons to this very day, forbear Reproaching the Presbyterians, Independents, &c. for their Unchristian Rigors against Church-men in those times; whilst the latter cry, *If Persecution were such an Evil in us, why would you imitate us therein?* And so they fall to Recriminate for the Severities used towards Dissenters for the last five and twenty Years.

By all which 'tis plain, That every Party thinks Persecution for Conscience to be a very bad thing, when it happens to be their own Case to be passive in it; and are all for Indulgence and Toleration as often as they have need of it. Therefore, for as much as Providence has permitted the Wheel to go round, and every Party has had their share, as in the Sin of Persecution, so likewise in Punishment by it; and that they all have found by Experience, how irksome it is to bear: And since what has been,

may be, unless care be taken to prevent Effects, by removing their Causes. This therefore is certainly the happy Juncture, to obviate for ever the return of any such Mischiefs, when His Majesty is graciously willing to Establish our Religious freedoms by a *Magna Charta*, for us and our Posterity: And at once, put a final Period to all these Ruinating Laws, which 'tis both the common Interest of all the Parties, and that of every one of them in particular, to have taken away and Buried in perpetual Oblivion.

'Tis their Common Interest.

1. Because these Laws have been the continual occasion, not only of publick Broils, but private Feuds throughout the Nation, giving every ill-natur'd man an opportunity to stigmatize any of his Neighbours with some Nick-name of Religion, as a *Phanatick*, a *Papist*, a *Presbyterian*, an *Anabaptist*, a *Whigg*, or the like; and by that means, presently ruine his Reputation, Trade, Employment, Estate or Person. But this Universal Liberty rightly Establish'd, Buries all terms of Reproach, or renders them Insignificant; and Disarms the Furious, and Charms the Envious, and Muzzles the Malicious, and restrains the Fire and Sword of Bigotted Zealots; and gives Encouragement to the Modest, and Security to the Innocent, and Silences for ever the Zealousness of those that are, or fear to be under the like Oppressions or Ill-usage; and consequently, Extirpates those Animosities that had almost Banish'd all Civil Conversation and good Neighbourhood out of a Kingdom, which was heretofore (next to the Fame of its Martial Prowess) most Celebrated for its Inhabitants endearing Kindness to each other, and generous Hospitality.

2. Because of the publick Civil Advantages that thereby will accrue to all Parties, since 'tis the only Foot whereon a lasting Flourishing Condition of the whole Kingdom can be Establish'd; in the Welfare whereof, every Individual Subject is concern'd. 'Twas therefore an *Apothegm* worthy of our Royal Master, *He cannot be a TRUE ENGLISH-MAN in his Heart, who is not for LIBERTY OF CONSCIENCE*. And for my part, if we must have some Test or other, I wish it might be only *That*.

I will not abuse the Readers Patience so far as to Recapitulate all those National Advantages, having pointed at them already; As, Security to the Government, Encrease of People, of Trade, &c. But shall crave leave of a late Author, (no less Judicious than Ingenious) to recite some of his Words (with some little variation) relating to the matter I am now Discourfing of.

This Coercion [in matters purely Religious] is the old Disturber of States, the Destroyer of Properties, the Depopulator of Kingdoms, the Enemy of Humane Nature, of kind Neighbourhood, and of all Conscientious Religion: For at best, it either makes men but Religious by Rote, which indeed is no Religion; or Conformable for Fear or Interest, which is nothing but base Hypocrisy; That is, The worst sort of Irreligion.

Besides, It saps and confounds the nature of Government, by rendering the Measures of Loyalty, not to be that Love, Honour and Obedience, which all Subjects are bound to pay to their Prince; but Conformity to the Clergy, and that mode of Religion which happens to be in fashion: Now this destroys the true Dependence and Obligation in Government, and exposes the Lives, Liberties, and Estates of the People, to the frequent Revolutions of Religion, whereas the same ought to stand fixed and sacred upon the common and undeniable Principles of Civil and Just Government.

The King is *Pater Patriæ*, our Political Father, and we are all his Children, and should be Comforted under the Indulgent Wings of his Just Power and Love. They do ill Offices in the great Family of the Kingdom, that would excite the Father to Disinherit his Children; and those Virtuous too, merely for the sober Exercise of a Dissenting Conscience, about matters relating to the other World. This is Practical and very Impolitical Reprobation for Speculations; and Sacrificing Nature and Morality to the Nicety of an Opinion, which perhaps sometimes neither of the Contending Parties truly understand: Nay, this is to Engross *Cæsar* by a Party, and to Monopolize him from the rest of his People: A Trespass against the very Nature and End of Government.

3. 'Tis undoubtedly the Interest of every Englishman, to preserve the Liberties and Properties of their Fellow Subjects as well as their own: And those darling Privileges were never any way so much Entrenched upon and Violated, as by these cruel Laws of Persecution for meer Religion; and every wise Man, when he sees his Neighbour (tho differing in Judgment from himself) persecuted and destroyed, for what ought (at worst) to be called his Mistake, rather than his Fault, (for no man can Believe against his Judgment, or take an Oath against his Conscience, without Sin) will presently consider, That though it be his Neighbours turn this Year, it may be his own, or his Childs case the next Year, or the next Reign; and for no mans Life, Liberty or Property, can be secure, if such Laws continue, but only such as have a Conscience fitted for all Changes, and every Religion that is uppermost; and who for that cause



are as unfit to be *Trusted* by their Neighbours, as by the Government.

By these and many other Reasons that might be enumerated, it seems to me very clear, That the removal of all these *Penal Laws* is the true *common Interest* of all the several Parties.

That the same is likewise the *peculiar Interest* of each Party considered by it self, has been very amply Demonstrated in that excellent Treatise, Intituled, *GOOD ADVICE, &c.* Whereto I could never yet either in *Print* or *private Discourse*, meet with any thing like an *Answer*.

Indeed, as to the *Roman Catholicks*, 'tis undeniable, That they both *know* it to be their *Interest*, and vigorously pursue it, by endeavouring to Husband the present opportunity of obtaining it, under the *Auspices* of a Prince of their own Communion; yet to prevent any *jealous Suspicions*, appear frankly willing, to admit all others into the same freedom; And withal, to embrace any *Civil Fence*, that may by the *Great Wisdom of the Nation*, be raised for frustrating all *Inroads* that may be attempted to be made thereon, by themselves or any other Party, hereafter.

The *Protestant Dissenters*, as they have the same, and far greater Reasons (Circumstances considered) to joy therein, will not, I hope, be either less mindful of their own *peculiar Interest*, or behind hand in their *Charity* to include others, as well as themselves, and render it *perpetual*: For unless it be both *Universal* and *Equal* to both Parties, it cannot prudently be expected to be *Permanent*.

What seems most difficult, is, To convince the

*Church of England*, (which values her self as *Establish'd by Law*) That it is *HER* true *Interest*, as well as that of the other Two, to part with these *Penal Statutes*, which seem to Corroborate Her, and give her power to *Crush* either of them, as she shall find an opportunity for her Advantage:

1. But this very thing is: one Reason why she should be willing to Abandon them; that she may thereby remove all their Fears, and Jealousies of Her for the future.

2. Again, Parting with these *Laws*, is the only way she has in the World to wipe off the *Odium of Persecution*, and satisfy us, that She is Convinced of the Evil of such violent Proceedings as she has lately practised: But if she be still for keeping the Rods on the *Mantle-Tree*, 'twill be too plain, She has a Mind to be *Scourging* us again, as soon as she gets Opportunity.

3. Whereas She is now the *National Church by Power*, she will then be the *Publick Church* by the Concurrence of all Parties; and if any one should go about to *Jeſtle* Her out of that Station, all the rest would heartily joyn with her and support her, because it was to her Compliance they owe their own Liberty; and without maintaining her to keep the Ballance even, they cannot promise themselves any *lasting Safety*.

Lastly, They may the rather be content to have them *Repealed*, because there are some of these *Laws*, which if they should be strictly Executed, would make foul work with the *Church-men* themselves. As you may see by what follows.

## A Catalogue of some of the PENAL LAWS, to which our CHURCH-MEN are generally NONCONFORMISTS.

I: **T**Here's the *Stat. 1. Eliz. 6. Cap. 1. Revised* 1 Eliz. 1. and still in Force, Entituled, *An Act against such as shall speak unreverently of the Sacrament of the Altar, &c.* The Penalties whereof, are Imprisonment, and Fine, and Ransom at the King's Pleasure: Now, though the Body of the *Statute* sufficiently Explain the Depraving, Despising and Contemning thereby Prohibited, to be of the *Holy Sacrament*, or *Lord's Supper*, as used and held by *Protestants*; yet who knows, but by rea-

son of its Title, it may one day be Extended to any that shall in their Sermons, Writings or Discourses, argue against the *Sacrament of the Altar*, in the *Roman Sense*, or the *Sacrifice of the Mass*: \* The *Church-of-England-men* stretch'd a Point of Law as far, when they

\* Since our Writing of this, we have been credibly inform'd, that some have lately been Prosecuted upon this Account, and by Virtue of this very Statute, at *Corentury*.



turn'd the *Statutes* made against *Popish Recusants* upon *Protestant Dissenters*.

II. The very next *Statute*, viz. 1 *Edw. 6. Cap. 3.* Enacts, That all *Summons*, *Citations*, and other *Process* Ecclesiastical, shall be in the Name, and with the Title of the *KING*, as in *Writs* at *Common Law*; and the *Teste* in the Name of the *Arch-Bishop*, *Bishop*, or other Person, who has the Commission and Grant of the Authority Ecclesiastical, immediately from the King; And that all Persons Exercising Ecclesiastical Jurisdiction, shall have the *King's Arms* in their *Seal of Office*; every Offender in either of these Cases, to suffer Imprisonment during the King's Pleasure.

Now none of all this is Observ'd. Indeed it is pretended this *Act* is out of Force, being Repeal'd by 1 *Mariae, Cap. 2.* But then you must note, that of *Q. Mary* was Repeal'd by the 1 *Jac. 1. Cap. 25.* and though in Favour of the *Bishops*, that of 1 *Edw. 6. Cap. 2.* has been commonly taken as Expired, yet other Opinions have always been to the contrary; and upon a solemn Discussion of the matter, if it should Judicially come to be argued, it may probably be Adjudg'd in Force. Nay, setting aside that *Statute*, I cannot readily foresee what Plea our Ecclesiastical-Court-men would make, if a *Quo Warranto* were brought against them, to shew by what Authority they hold their Courts.

III. By the *Statute* 1 *Eliz. Cap. 2.* It is Enacted, That if any *Parson*, *Vicar* or *Minister*, shall wilfully or obstinately use any other Rite, Ceremony, Order, Form or Manner of Celebrating the *Lord's Supper*, openly or privily; or Mattens, Even-Song, Administration of the *Sacraments*, or other open Prayers, than is mentioned and set forth in the Book of *Common-Prayer*, shall for the first Offence, forfeit the Profits of all his Spiritual Benefices for one Year, and be six Months Imprisoned. For the second Offence, 12 Months Imprisonment, and and to be Deprived *ipso facto* of all his Spiritual Promotions; and the Patrons to Present thereunto as if he were Dead. And for the third Offence, Besides such absolute Deprivation, shall suffer Imprisonment during Life.

Now since the *Statute* under these severe Penalties, does not only Enjoin the Ceremonies in the *Common Prayer*, but Prohibits under the same Pains, the use of all other Rites and Ceremonies; 'Tis evident, that they who Transgress in this latter kind, are equally *Non-Conformists*, and Violate the Law, as much as those who fail in the first Respect: For Over-doing, is Undoing, and many times worse than not doing.

But, Do any of our Clergy Use, or Practice any Rites and Ceremonies in the publick Worship, that are not Prescribed in and by the Book of *Common-Prayer*?

Yes, divers: As by the following Instances will Appear.

1. The *Rubric* in the *Common-Prayer-Book*, before the Order of *Morning Prayers*, expressly enjoyns, That such Ornaments of the Church, and of the Ministers thereof, at all times of their Ministration, shall be Retained and be in Use, as were in this Church of *England*, by the Authority of *Parliament*, in the Second Year of the Reign of King *Edw. the 6th.*

But in the *Rubric* in the *Communion Service*, made in the said 2d. of *Edw. 6.* (Establish'd by *Act of Parliament*) it is Commanded, That upon the day, and at the time appointed for the Ministration of the *Holy Communion*, the Priest shall put upon him, the Vesture appointed for that Ministration; that is to say, A *White Albe* plain, with a *Vestment* or *Cope*; that is to say, they were then, and it seems, then only, to wear a Surplice, but not without a *Cope*; whereas our Divines, not only wear *Albs* or *Surplices* at other times, but do not then wear *Copes*; which is directly against this Law.

2. To Bow to or towards the *Altar*, and at the Name *JESUS*, is commonly practis'd, but not enjoyned that I find in the *Common-Prayer*; therefore in this Case too, such as use those Ceremonies in the Church, are I conceive, *Non-Conformists*, and Obnoxious to all the Penalties aforesaid.

3. In most Parish Churches, the whole Service is read in the *Pew* or *Desk*; but in some, that which they call the *Second Service*, is read in the *Chancel* at the *Altar*: One of these Practises must needs be *Non-Conformity*.

4. In the *Rubric* before the Office for *Matrimony*, it is Commanded, That the *Banns* of all that are to be Married together, must be Published in the Church (of the Parish wherein the Parties dwell) three several *Sundays* or *Holy-days*, in the time of *Divine Service*.—And if the Persons to be Married, dwell in divers Parishes, the *Banns* must be asked in both Parishes; and the Curate of one Parish shall not Solemnize *Matrimony* betwixt them, without a Certificate of the *Banns* being thrice asked, from the Curate of the other Parish.

But, How often is this good and wholesom Order (which would prevent *Clandestine* and *Stolen Marriages*) Violated, under pretence of *Licences*, granted with a *Non-Obstante*, to the *Statute* and *Rubric*? But by what Authority?

By

By the *Statute 26. H 8. C. 3.* and many other subsequent *Statutes*, all Arch-Bishops, Bishops, Deans, Prebends, Parsons, Vicars, &c. shall pay the King the first Fruits and Profits for one year, of every of their Benefices, at their Coming in, and the yearly Rent or Pension of one tenth Part afterwards of their said Livings; and the Chancellor and Mr. of the Rolls, &c. shall examine, and search for the JUST AND TRUE AND INTIRE VALUE of the said first Fruits, Profits and Tenths: — Have all our Church-men justly and honestly satisfied the King, to the full value of their Livings, according to these Laws?

Other Instances might be given; but these may suffice to shew, That the Church-men, if the King should be severe with them according to Law, are Obnoxious enough. — But I return to our former Subject.

I will not run into that Extravagant Humour of a merry Gentleman, who told me the other day, That the *Romanists* had got the Power; and the Church-men, the Law; and the Dissenters, the Gospel on their side. But this I cannot but say, That Our Sovereign points us out a way to Reconcile all Three, viz. That the Gospel shall have its free Current; The Law no longer be made use of to support a Faction: And Power be only Exercised for a Terror to Evil-doers, and a Praise to those that do well, in the Moral and Political Concernments of Humane Life, and not otherwise.

Therefore upon the whole matter, if it shall appear upon an impartial Survey, That these Penal Laws, are in their own Nature Oppressive and Unjust, contrary to the Law of God, mischievous to the Publick Welfare of the Kingdom, Contriv'd at first, only to serve particular Factions and By-Ends; Condemn'd by all sides in their most sober thoughts; that is, whenever they apprehend it may be their own turn to suffer by them: If they tend to *Prophaneness* and the Scandal of Christianity, by prostituting the most Sacred Ordinances, as Qualifications or Inlets to secular Advantages; If they are not without just Scruples and Exceptions, as to their Validity, and Impracticable in their Tendency, and Useless in their Effects, and that their due Ends may much better be supplied by Tests and Provisions purely Civil; then it cannot misbecome any, but is both the Interest and the Duty of every honest Englishman to wish, and heartily Endeavour their Abolishment. And to advance in their stead, such a safe and lasting Establishment for the Freedom of Conscience, as may transmit the Happiness we at present enjoy to our Posterity.

I shall conclude these Remarks with an Illustrious Instance, That it is not so strange a thing as some (none of the best Subjects) would suggest, for a Roman Catholic Prince to be seriously against imposing on Conscience, and constant in maintaining Indulgence towards Dissenters. I mean the Emperour Maximilian the Second, (of the House of Austria, a Family as zealously Devoted to the Church of Rome, I think, as most in the World) of whom a Protestant Historian, *Henricus Gutherletius*, in his Chronology, gives this following Testimony: Which I shall recite in his own Words:

“Capit Imperare Anno 1564. & Imperavit Annos 12. Princeps laudatissimus, Pictatis, Pacis & Aquitatis studiosissimus, in cujus Ore & Pectore frequens fuit hoc Symbolum: Dominus Providebit; Propter Religionem tot opinionibus ac Sectis laceratam ac distractam ex animo dolabat, Interim erga Evangelicos equus, idque ob HANC RATIONEM: Quod non solum INIQUUM sed etiam IMPIUM judicaret CONSCIENTIIS IMPERARE, quod hoc nihil esset aliud quam Caeli arcem invadere. Et sane ipso facto hoc comprobavit. Nam Passaviensem Pacificationem tutatus est, & Austriacae Nobilitati Augustanae Confessionis Doctrinam Anno 1568. permisit.

In ENGLISH thus:

“He came to the Empire Anno 1564 and Reigned 12 years; a Prince deserving the highest praise, most studious of Piety, Peace and Equity, who had often not only in his Mouth, but in his Heart, that Motto, *God will provide*. He was seriously grieved, that Religion should be so torn and rent to pieces by such variety of Opinions and Sects; yet still was kind and favourable towards the Evangelicks [or Protestants,] and that for THIS REASON, because it was in his Judgment not only UNJUST, but IMPIOUS, to  
“Com-

"Command or Domineer over Mens  
"CONSCIENCES, since the same

"was no less than to

\* So says K. Charles  
the 1st. in *Eicon Basil.*  
I desire not that my  
Laws and Sceptre should  
Intrench o'ur God's  
Soveraignty, who is  
THE ONLY KING  
OF MENS CON-  
SCIENCES.

"invade the PRE-  
"ROGATIVE OF

"\* HEAVEN;

"And verily he

"made good his

"Words by his Deeds

"for he both De-

"fended and kept

"Inviolat the Pacification of Pas-

"saw; And in the Year 1568. permitted  
"the Doctrine of the Confession of Au-  
"spurg to the Gentry of *Austria*.

May His Majesty, as he hath happily begun;  
proceed, not only to *Imitate*, but exceed both in  
Length of Days and lasting Renown, this *Great*  
and *Good* Emperour; and may all good Subjects  
readily Comply with His Majesties Gracious In-  
tentions; That God may delight in us, and say as  
of old, *Jer. 34. 15. Ye have done Right in my*  
*sight, in proclaiming LIBERTY every man to*  
*his Neighbour. Quod faxit Deus.*

## POSTSCRIPT.

Though *Persecution* has too generally prevail'd  
in the World, yet there hath not been want-  
ing *Wise* and *Good* Men, that have in Antient  
times given their Suffrages on behalf of *Toleration*  
and *Indulgence* to those of different Opinions. Of  
which I shall subjoyn an Example or two.

*Lactantius*, who flourish'd about the Year of  
our Lord 300. Wrote a particular History of the  
Death of the Primitive *Persecutors*, lately Transla-  
ted into *English*: And the same Father, in his  
Treatise, Entitled, *Divine Institutions*, L. 1. Cap.  
20. has this notable Discourse, ' *Longe Diversa*  
*sunt Carnificina & Pietatis, Nec potest aut Veri-*  
*tas cum vi, aut Justitia cum Crudelitate conjun-*  
*gi. O quam honesta Voluntate, &c.* ' *Piety* and  
*Butchering* of Men, are things very different;  
' Nor can either *Truth* be joyned with *Force*, or  
' *Righteousness* with *Cruelty*. O with what an ho-  
nest Intention do many poor People wretchedly  
mistake! They are sensible that there is nothing  
more excellent among Men than *RELIGION*,  
' and that the same ought with their utmost endea-  
vours to be Defended; but in the proper kind of  
its Defence, they are deceived: For Religion is de-  
fended not by *Killing*, but *Dying*; not by *Fierce-*  
*ness*, but by *Patience*; not by *Wickedness*, but  
' *Faith*; for *Those* are Weapons of bad Men, but  
' *These* of the Good. And if you should go about  
' to defend Religion with *Blood* and *Tortures*, or  
' say *Id. Arts*, the same will not be Defended, but

' Defiled and Violated; There being nothing so  
' VOLUNTARY as *RELIGION*; in  
' which, if the Mind be Averse, it presently ceases,  
' and becomes no Religion at all.

*Ammianus Marcellinus* tells us of the Emperour  
*Valentinian*, that he became Renowned by the  
*Moderation* of his Government, ' In that he did not  
' Interpose in the Diversities of Opinions, so as to  
' disturb or punish any of his People; laying no In-  
' junctions on their Belief; Nor with threatening  
' Edicts, make his Subjects bow their Necks to the  
' Worship that himself Espoused; but left all things  
' in that kind, in the same Posture as he found  
' them.

I could not the other day, Read without an *Affe-*  
*rism*, that Passage of *Zoga Zabo*, a  
Bishop of *Ethiopia*, and Ambassador De *Moribus*  
dour of *Prefter John*, recorded by *Ethiopum*.  
*Damianus a Goes*, ' It is (says he)  
' a sad thing, that Christian Strangers should be so  
' harshly treated like Enemies, as I have been here;  
' It would be far more convenient to support all  
' Christians, be they *Grecians*, be they *Armenians*,  
' be they *Ethiopians*, be they any one of the seven  
' Christian Churches, with Charity and Love of  
' Christ; and to permit them to Live and Con-  
' verse amongst other Christian Brethren, without  
' any Injury, because we be Children of one Bap-  
' tism, and do hold the true Faith: And there is  
' no reason to Dispute so sharply touching Cere-  
' monies, but rather that every one should observe  
' and

\*keep his own, without hating or troubling others;  
 \* And none to be Excluded out of the Commerce  
 \* of the Church, although being a Stranger in other  
 \* Provinces, he keep and observe the Customs of his  
 \* own Country. —

Will not this Discourse from a *Moor*, make us  
*European Christians* Blush? Behold! A Man come  
 from the utmost parts of the Earth, to teach us  
 that Moderation and Mutual Forbearance, the prac-  
 tice whereof, too many of us do not only Neglect,  
 but wilfully Oppose.

☞ It may possibly be expected, That I should  
 now make some *Apology* for my self; after having  
 been called a Thousand times *Rogue* and *Papist*,  
 and Industrious Libell'd in *News-Letters* (as  
 they call them) throughout the Nation: There are  
 a sort of little People, whose very Religion, is tell-  
 ing of Stories, and their Liveliness, nothing but  
*Slander* and *Gossiping*; but I am not at Leisure  
 to attend their *Back-biting Whispers*. Had I re-  
 garded the Barking of every *Cerberus* (Animals

with *three Heads*, a *double Tongue*, and no *Brains*)  
 I might long ago have been *Deaf*.

Ever since I was capable of understanding any thing  
 of Religion, I have thought *Liberty of Conscience* to  
 be the *Birth-right* of Mankind by a *Charter Di-  
 vine*; and hitherto I am not convinc'd of being  
 mistaken.

Whatever I have heretofore written (and as in  
*Multiloquio*, so in *Multa Scripturiendo, non deest  
 vanitas*) was mainly design'd against the *Spirit  
 of Persecution*, which where-ever it appears, I  
 take for a Badge of *Antichristianism*. This is  
 that which I now (as formerly) oppose; This it  
 is, which I would still *Explode*; The contrary  
*Freedom* to be perpetually Establish'd, is all that  
 I would Advance. This is my *Post*, from which,  
 by the *Divine Assistance*, I will never recede;  
 And in Adhering to Christian *Truth*, and Moral  
*Virtue*, and a Publick Good, and a Generous Ho-  
 nesty, I will condemn all *Scandals*, all Imaginary  
*Bug-bears* of ensuing *Dangers, Losses* or *Disgra-  
 ces*; Satisfied with this, That he is both *Safe* and  
*Happy*, and *Rich* and *Honourable* enough, that  
 endeavours with *Integrity* to serve his Country  
 whilst he *Lives*, and has a *Fiducial Hope* (through  
 the only *Merits* of the Ever Blessed JESUS)  
 to reach *Heaven* when he *Dies*.

## THE END.

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